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AUTHOR Tucker, James A.
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ABSTRACT

Presented at the annual meeting of the American Psychological Association in New York City in September, 1976, the paper sets forth the position that, in general, the individual requirements that allow a student to be classified as learning disabled are subtle but significant contributors to an assessment that discriminates against pupils from ethnic and racial minority groups and low socioeconomic groups. As an example of the learning disabled definitions used by most States, Texas's general special education eligibility requirements and specific criteria for the category of Language and/or Learning Disabilities are given, in light of which discrimination in the assessment procedure is examined. The author's solution is based on a system that compares children only with others in the same cultural grouping. Appended are various definitions of learning disabilities. (DLS)

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NONDISCRIMINATORY ASSESSMENT: ISSUES AND IMPACT

Eligibility for Learning Disabilities Classes

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By

James A. Tucker, Ph.D.

Paper presented at the annual meeting of
the American Psychological Association
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NONDISCRIMINATORY ASSESSMENT: ISSUES AND IMPACT

Eligibility for Learning Disabilities Classes

Since this paper is supposed to present issues that impact on assessment in a way that will spark a discussion on nondiscriminatory assessment, I have elected to present a few thoughts in the form of a quasi-position paper. The position I will set forth is that, in general, the individual requirements that allow a student to be classified as learning disabled are subtle but significant contributors to an assessment that discriminates against pupils from ethnic and racial minority groups, not to mention pupils from low socioeconomic groups. It is not my intent in this presentation to support this position with a lot of data or any extensive research findings. I simply want to set forth the position for discussion and then let the data and research speak for themselves either in support of or against the position. I will, however, cite several references that seem relevant.

My position is based, to some extent, on the procedures for assessing the learning disabled that I have observed in Texas. But neither the position nor the paper are in any way intended to be an accusation of those practices and procedures used in Texas. There is no question that the state of Texas has been an exemplar in the field of comprehensive services to handicapped pupils. This has been true with respect to the learning disabled as well as for the more traditional handicapping categories. But the field of learning disabilities is very young, and the definition, as well as the resulting means of assessment, are less than 10 years old. Much work must be done to determine not only the best way to evaluate the degree and nature of a child's learning disability, but also to decide whether the concept of learning disabilities is a viable one. So it is without reservation that I use the information from my experience in Texas, since I am most familiar with the way it is done there. I should point out, however, that the eligibility criteria used in Texas to place children in classes for the learning disabled are quite similar to those of most other states (NASDSE, 1976; Rosen, Minisi, & Cashman, 1975; Appendix A).

In Texas, as well as in every other state where there are programs for the handicapped, a child has to meet minimum criteria to be eligible for special education of any kind. Then the child must meet additional specific eligibility requirements for the particular handicapping condition under which the child will be served. The general eligibility requirements for the state of Texas are shown below, followed immediately by the specific eligibility criteria for the category of Language and/or Learning Disabilities (L/LD).

General Directives for Determining Pupil Eligibility

The general directives which are established by the Commissioner of Education and which are used in determining pupil eligibility in special education programs for exceptional children are listed below:

(1) Pupil identification data shall include name, sex, and evidence of legal age for the program.

(2) For each pupil receiving special education services, there shall be a written educational plan and evidence of the pupil's need for service.

(3) There shall be written reports on vision and hearing screening tests prior to admission to special education programs.

(4) Assignment to special education programs for exceptional children shall be made upon the recommendation of an Admission, Review, and Dismissal Committee.

(5) School districts shall not assign national origin-minority group pupils (or linguistically different pupils) to special education classes on the basis of criteria which was developed solely upon the command of the English language.

(6) Pupils may not be placed in special education services if the only deficiencies identified are directly attributable to a different cultural life style, or not having had educational opportunities, or not having achieved from previous educational experiences.

(7) Admittance to and maintenance in any special education program shall be on a trial basis.

(8) An annual review of the appropriateness of each child's continued assignment to special education services as evidenced by progress or lack of it shall be made by an Admission, Review, and Dismissal Committee.

(9) All special education assignments must be comprehensively reappraised at least every three years if assignments to special education services continue beyond three years (TEA, 1973, pp. 7-8).

Specific Eligibility Criteria for Determining Pupil Eligibility

The specific eligibility criteria which are established by the Commissioner of Education and which are used in determining pupil eligibility in special education programs for exceptional children are described in the following categories:

LANGUAGE AND/OR LEARNING DISABILITIES

1. Written report of assessment showing total intellectual functioning not more than two standard deviation units below the norm.

2. A written report of assessment revealing evidence of a deficit or deficits in one or more of the basic psychological learning processes of auditory, visual, or haptic processing, intersensory integration and/or concept formation.

3. A written report of educational assessment substantiating a discrepancy between age level expectancy and current educational performance. This criterion may not necessarily apply to pupils ages 3 through 5 years of age.

4. Documented evidence must be offered to indicate that the child's learning style deviates so markedly from the norm of his age group that he requires special education intervention.

5. Physician's written report of general medical evaluation (TEA, 1973, p. 11).

The definition for Language and/or Learning Disabilities used in Texas is very similar to the definition used in most states and to one which was prepared back

in the mid-sixties by the founders of the learning disabilities movement (Appendix A). Since the above general and specific criteria rest on the definition, it needs to be stated also to put the criteria into perspective. It is as follows:

> LANGUAGE AND/OR LEARNING DISABLED children who are so deficient in the acquisition of language and/or learning skills including, but not limited to, the ability to reason, think, speak, read, write, spell, or to make mathematical calculations, as identified by educational and/or psychological and/or medical diagnosis that they must be provided special services for educational progress. The term "language and/or learning disabled children" shall apply to children diagnosed as having specific developmental dyslexia (TEA, 1973, p. 4).

Study groups, task forces, and committees are studying the definitions, the means of assessment, and other issues relating to the learning disabilities concept. The number of such studies is increasing largely because of concerns surrounding the limited funding available for the education of the learning disabled. But for the purpose of this paper, it will suffice to say that up until recently, at least, the definition and the eligibility criteria shown above have been quite characteristic, and will serve as the basis for discussion.

Historically, I believe it would not be too difficult to support the idea that the LD movement sprang out of a desire on the part of educators to provide for what they perceived to be a handicapping condition that was not mental retardation (since the children involved had normal intelligence or above) and could not be referred to as brain damage since few, if any, of the traditional symptoms of minimal brain dysfunction were observable. Consequently, the concept of LD originated as a theoretical classification of children with such wide-ranging problems that there was very little consistent symptomology. I submit that the concept has not progressed beyond that state even to this day.

Another reason for the emergence of the LD movement could well have been an expression of the desire to take away the stigma of brain damage and mental retardation. For years children had been assigned these labels, and in some instances it was asserted that these classifications were used to separate certain groups from the mainstream of education. However, with the emergence of the civil rights movement, it was becoming more and more difficult to isolate a child in this way, and thus, the chance of a pupil's being saddled with a life-long

debilitating label was being reduced. But with the emergence of the LD movement, it could well be that the category was used to promulgate the most subtle form of this sort of discrimination to date.

For one thing, the new label was relatively popular, so it was almost a privilege to get assigned to a class for the learning disabled. But in the final analysis there may be questions about the ease with which different ethnic and racial groups move into and out of classes for the learning disabled. It would be interesting to study the racial proportions of pupils returned to mainstream education after having been placed in an LD class. Would we find that minority group children, when "blessed" with the LD classification, stay in special education for a longer period (if not forever) than do nonminority children? In Texas there has been a dramatic increase in the number of pupils placed in LD classes since the inception of the category in 1970. But no one has seriously questioned the racial proportions of this new group.

As stated earlier, in order for a child to receive special education services needed because of a learning disability, the child must meet all the eligibility

criteria--both general and specific. In my opinion, every one of the five LD eligibility criteria required in Texas are relatively easy to find in normal children from the ethnic and racial minority groups that characterize large segments of the Texas public school population. That is to say, it is quite normal for a child from a racial or ethnic minority group, not to mention the lower socioeconomic groups, to exhibit characteristics that would match the eligibility criteria for placement in special education as a child suffering from a learning disability. It is my intent to show that normal minority group children can exhibit all five of these symptoms.

Eligibility criterion No. 1 requires normal intelligence, so there is certainly no question that this criterion can be met by normal members of minority groups.

In order to meet eligibility criterion No. 2, a child must, by definition, demonstrate a learning process deficit. Putting aside the fact that no one knows what a learning process is, therefore making it impossible to measure or to determine a deficit, the fact remains that it is typical for a child from a minority group or a lower socioeconomic population to demonstrate a

significantly higher rate of "learning process deficits" than it is for children from nonminority populations.

According to eligibility criterion No. 3, children must show a significant deficit in academic achievement below that which could normally be expected for a child their age (chronological or mental age makes little difference here). Everyone knows that children from ethnic minority groups and low socioeconomic status populations score lower on measures of academic achievement. Furthermore, if you use the mental age as the indicator of what should be expected and, therefore, as the baseline for figuring what a deficit would be, you run into the endless problems of making sure you have an adequate measure of mental age. (Assuming, for example, that the standard measure of mental age is usually the same measure as that used to determine the level of intelligence, you have already demonstrated that the child has a normal mental age when you ascribed normal intelligence to the child under eligibility criterion No. 1.) Also any significant deficit in academic achievement would have to be considered in light of the ethnic and racial population before it would be meaningful. To my knowledge there is no adequate way

to determine the degree to which a deficit in academic achievement is due to a learning disability rather than to a child's being a member of an ethnic minority group. It should also be noted that a child could exhibit low academic achievement simply from not having been in school for one reason or another (e.g., sickness, migrant farm worker, etc.). Either or both of these conditions, if they represent the primary condition for which the child is being referred to special education, make the child ineligible to begin with in light of general eligibility criteria No. 6.

With respect to eligibility criterion No. 4, the case is more subtle, but clearer in light of the following: Several points relating to the learning styles of black children will serve as examples here. There is evidence (Gay & Abrahams, 1973; Abrahams & Troike, 1972) that the natural learning styles of black children differ significantly from those of Anglo children. Furthermore, many learning styles specific to the black culture are at odds with learning style expectations in our typically Anglo educational system. Consequently, a black child isolated (or observed individually and compared to nonblacks) in a school using the

traditionally Anglo learning styles might be considered aberrant and unable to learn in the average school setting. An equivalent case can certainly be made for the Mexican-American child.

Consequently, a photograph of a classroom containing one black child would be documented evidence enough to establish a difference in learning style. But I am sure everyone will agree that such documentation would be so discriminating as to be absurd. In overstating the case in this way I am only trying to dramatize the possible fact that much, if not most, of the evidence presently being used to establish eligibility on this particular criterion is so culture bound as to render it useless in light of the general eligibility criteria No. 6.

That brings us to eligibility criterion No. 5, which like No. 1 is not really an eligibility criterion in the same sense as Nos. 2-4, since a general medical evaluation is not a symptom of any handicapping condition, but rather a requirement for admission to the category.

So there are actually three specific eligibility requirements for L/LD that can theoretically be associated

with the idea of a handicapping condition. The presence of symptoms in all three of these areas is necessary for placement into a class for the learning disabled. The fact that all of them could be accounted for as an indication of ethnic minority differences rather than a handicap is enough to eliminate all children from ethnic minorities being placed therein. The fact that we have such questionable eligibility criteria and require a measure of deficiency (even if such could be measured) thus seems absurd, to say the least.

It is not my intention to create a problem where none exists. I believe we are entering an era where these kinds of issues will be raised with increasing frequency. I am sure that many will agree that it makes good sense to anticipate weaknesses in our present policies and to correct them before they are pointed out to us in less favorable circumstances. In the wake of Public Law 93-380, and now 94-142, these kinds of issues will become even more prominent. For example, one of the most popular movements in assessment today is the trend toward assessing a child's capabilities in light of differences in his cultural life-style. The System of Multicultural Pluralistic Assessment (SOMPA) is a prime example (Mercer & Lewis, 1977).

Any difference that children exhibit which is basically due to their cultural life-style should be viewed as reducing their chances of special class placement rather than increasing them. You may argue, and rightly so, that we already have policies under the "general eligibility criteria" which should handle this sort of thing. I will counter by simply asking which one of the five specific eligibility criteria for L/LD cannot be discounted for minority group children on the basis of the general eligibility criteria; and yet we have seen the largest growth in special education's history within the classes for the learning disabled, including a large percentage of minority children. The question is, first of all, of course, do learning disabilities exist? If so, how do we identify them without running the risk of isolating a culturally different child who appears learning disabled in one respect, but in fact is exhibiting behaviors quite normal for his other cultural group. For example, if I had a black child of normal intelligence, general medical evaluation in hand, several years behind academically, showing a deficit in one or more of the learning processes (as presently assessed) and exhibiting a learning style deviation, this child would be eligible for an LD placement, but

since all of these symptoms can be explained in terms of cultural difference, how do I know if the child is really learning disabled or not? As it stands now, I don't think our appraisal professionals have either the tools or the skills to differentiate (if it is indeed possible at all).

One solution to the problem would be to use the L/LD category to replace the MBI category in Texas (MBD in other states) because we require a medical evaluation showing positive neurological findings which indicate that a dysfunction is present and because normal intelligence is also required for an MBI classification. If the stigma attached to the MBI label is part of the origin of the L/LD category, then let us simply use the eligibility criteria for MBI and relabel them L/LD. At least then the population would be identifiable by some more operationally definable symptoms, though admittedly that category was abused also before there was an L/LD slot to place children in.

But, if, as I suspect, the impetus for bringing about such a category is the setting apart of children who demonstrate certain educational handicaps, then I say we have created a monster that we are going to be sorry

for. My hunch is that where blacks used to be placed in classes for the mentally retarded (and to some extent for the emotionally disturbed and the minimally brain injured), they are now isolated instead in the resource room and classified L/LD. What have we gained if this is the case?

A more realistic solution, however, since it is probably not possible to eliminate a category so carefully implanted in the fabric and politics of the educational system, would be to apply something similar to Mercer's system. Such a system compares children only with other children in the same cultural grouping when attempting to determine the significance of a deficit for placement and labeling purposes. Add to that the generally accepted deficit of two standard deviations below the mean and apply it to the first four eligibility requirements rather than to just the first one. If this sort of thing were done, then only those children who fell two standard deviations below the mean in a measure of learning process, academic achievement, and learning style (however we choose to define all of these) WITHIN THEIR OWN CULTURAL GROUP, would be eligible for assignment as a language and/or learning disabled child.

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Appendix A

Definitions of Learning Disabilities

DEFINITIONS OF LEARNING DISABILITIES

Conference on Learning Disabilities and Interrelated Handicaps; Northwestern University; Evanston, Illinois; August, 1967.

Learning Disability refers to one or more significant deficits in essential learning processes requiring special education techniques for remediation. Children with a learning disability generally demonstrate a discrepancy between expected and actual achievement in one or more areas, such as: spoken, read, or written language; mathematics; and spatial orientation. The learning disability referred to is not primarily the result of sensory, motor, intellectual, or emotional handicaps, or lack of opportunity to learn.

Deficits are defined in terms of accepted diagnostic procedures in education and psychology.

Essential learning processes are those currently referred to in behavioral science as involving perception, integration and expression, either verbal or non-verbal.

Special education techniques for remediation refers to educational planning based on diagnostic procedures and results.

Multiple Handicap refers to combinations of handicaps (two or more of the following: emotional disturbance, learning disability, mental retardation, sensory or motor impairment) which interact to impede development and learning in ways which require special education services different from those required for children with a single handicap. Such services are not necessarily the sum of programs and methodologies commonly used with those having single handicaps.

Definition Accepted by the Division on Children with Learning Disabilities, Council for Exceptional Children, 1967.

A child with learning disabilities is one with adequate mental ability, sensory processes, and emotional stability who has a limited number of specific deficits in perceptual, integrative, or expressive processes which severely impair learning efficiency. This includes

children who have central nervous system dysfunction which is expressed primarily in impaired learning efficiency.

First Annual Report, National Advisory Committee on Handicapped Children, January, 1968, Health, Education, and Welfare.

Children with special learning disabilities exhibit a disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written languages. These may be manifested in disorders of listening, thinking, talking, reading, writing, spelling, or arithmetic. They include conditions which have been referred to as perceptual handicaps, brain injury minimal brain dysfunction, dyslexia, developmental aphasia, etc. They do not include learning problems which are due primarily to visual, hearing or motor handicaps, to mental retardation, emotional disturbance or to environmental disadvantages.